

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8, 13-16, 24, 25, and 30-33 are presently active; Claims 9-12, 17-23, 26-29 were previously canceled without prejudice. Claims 1, 5, 13, 24, 25, 32, and 33 have been presently amended.

In the outstanding Office Action, Claim 32 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 3-4, 5, 7-8, 13, 15-16, 30, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al (U.S. Pat. Appl. Publ. No. 2001/0051875) in view of Hartman (U.S. Pat. No. 5,960,411). Claims 2, 6, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al and Hartman in view of Ziarno (U.S. Pat. Appl. Publ. No. 2001/0001855). Claims 24-25 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al and Hartman and Ziarno in view of Guhen et al (U.S. Pat. No. 6,473,794). Claim 31 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al and Hartman in view of Official Notice.

Regarding the 35 U.S.C. § 112, second paragraph, rejection, Claim 32 has been amended to address the issue identified in the outstanding Office Action regarding Claim 32. Thus, it is respectfully submitted that the 35 U.S.C. § 112, second paragraph, rejection has been overcome.

Regarding the rejections on the merits, the independent claims have been amended to clarify that the contribution to be given is given to a content provider of a web page associated with a user contribution icon displayed on the web page and given in consideration

for sharing by the content provider of content data in web page files downloadable from the web page. Such features are supported in Applicants' specification at page 73.

The Office Action applies Miller et al for their teaching of an online donation management system. However, the donations in Miller et al are to non-profit organizations.

Miller et al disclose at numbered paragraph [0032] that:

An overview of the present invention 10, FIG. 1 is a system for soliciting donations via the World Wide Web or Internet. The donor 12 may, if desired, be an individual or an individual representing an organization with a particular interest in a charitable organization. An example of a charitable organization is the Trees Atlanta, the Atlanta Humane Society, the North Shore Animal League or any other non-profit organization that has a presence or website on the Internet. The present invention 10 is installed on a computer or server with Internet access and linked to the charitable organization's 11 website. The charitable organization 11 has cataloged selected items or assets as gifts to the donor 12 by design and with the organization's sole discretion. The catalog listing of these items resides in the present invention's database 14. The charitable organization's 11 website may, if desired, display a banner hyperlink to link to the present invention's 10 website. The donor 12, in communication with the charitable organization 11, selects a donation by activating a link to the present invention's 10 website i.e., clicking on a selectively displayed hyperlink. Transparent to the donor 12, the present invention 10 is now in communication with the donor 12 and the charitable organization's 11 website. The present invention 10 facilitates the donation process, the selection of gifts in response to selected contributions, data input required for payment of the donation, customization of and delivery of the selected gifts.

Thus, while the donation management system in Miller et al contains a set of catalogued gifts that are selected by the system in response to a donor's contribution or to encourage a donor's contribution, there is no disclosure in Miller et al for downloadable files available to a user by access to the charitable organization's web page, much less the donor making a contribution given in consideration for sharing by the content provider of content data in web page files downloadable from the web page, as defined in the present independent claims.

Furthermore, the deficiencies in Miller et al are not overcome by the other applied references, in particular Hartman applied in the Office Action for a teaching of a registered user payment method.

Thus, independent Claims 1, 5, 13, and 33 (and the claims dependent therefrom) are believed to patentably define over Miller et al and Hartman.

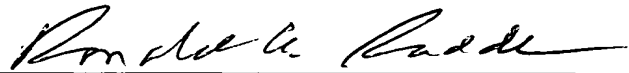
Regarding dependent Claim 31 and the Office Action reliance on Official Notice, M.P.E.P. § 2144.03 states that it is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record, as the principal evidence upon which a rejection is based. Accordingly, Applicant traverses the 35 U.S.C. § 103 rejections based on the Official Notice taken in the outstanding Office Action for the reason that, without the temporal and structural context by which these features are known to the artisan, it is impossible to conclude that it would be obvious for one of ordinary skill in the art at the time of the invention to combine this noticed feature with the art of record. Indeed, the context by which these features are allegedly known might itself provide reasons to rebut a *prima facie* case of obviousness.

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Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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